

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Action No. 2:18cv530

NORFOLK SOUTHERN  
RAILWAY COMPANY, et al.,

Defendants.

**ORDER**

During the final pretrial conference on December 6, 2022, the parties advised the Court about a dispute over plaintiff's request for a current employee of Norfolk Southern Railway Company, Christopher David Luebbers, to appear at trial or for a *de bene esse* deposition. Upon inquiry from the Court, counsel advised that the matter likely will require resolution by the Court. Accordingly, plaintiff shall brief the matter no later than December 9, 2022. Defendants shall respond no later than December 15, 2022. Plaintiff shall file any reply no later than December 19, 2022.

It is so **ORDERED**.

The Clerk shall forward a copy of this Order to all counsel of record.

  
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Robert J. Krask

United States Magistrate Judge

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Robert J. Krask  
United States Magistrate Judge

Norfolk, Virginia  
December 6, 2022